



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU ANNOUNCES SETTLEMENT OPPORTUNITY FOR MUTUALLY EXCLUSIVE LOW POWER TELEVISION AND TV TRANSLATOR APPLICATIONS

JUNE 1, 2020 - JULY 31, 2020

The Media Bureau has pending before it the mutually exclusive applications for new or modified digital low power television and television translator stations (LPTV/translator stations) listed in the Appendix to this Public Notice. Parties with applications in the mutually exclusive groups listed in the Appendix may resolve their mutual exclusivity by unilateral engineering amendment, legal settlement, or engineering settlement during a settlement period beginning **today, June 1, 2020 and ending at 11:59 pm ET, July 31, 2020.**

The applications listed in the Appendix are subject to the Commission's competitive bidding procedures unless their mutual exclusivity is resolved.¹ We will withhold further action on the mutually exclusive applications listed in the Appendix pending submission of settlement agreements or engineering amendments to resolve mutual exclusivity prior to the close of the settlement period.

Unilateral Engineering Amendments. Applicants may resolve their mutual exclusivity by filing an engineering amendment to their application. An amendment that does not implicate the application of another station may be filed by the station during the settlement period without coordination with any other entity. All such amendments must be submitted by filing an amended FCC Form 2100 – Schedule C in the Media Bureau's Licensing and Management System (LMS) by **11:59 pm ET on July 31, 2020.** Engineering amendments submitted by applicants to unilaterally resolve their mutual exclusivity must be minor, as defined by the applicable rules, and must not create new mutual exclusivities or application conflicts.²

Legal Settlements. Applicants may also resolve their mutual exclusivity through a legal settlement that provides for the dismissal of one or more of the application(s) in their mutually exclusive group. Such agreements must be submitted for Commission approval. Parties submitting a legal settlement for approval must ensure that their agreements comply with the provisions of section 311(c) of the Communications Act of 1934, as amended, and the pertinent requirements of section 73.3525 of the Commission's rules, including, inter alia, the settlement reimbursement restrictions.³ Parties filing a request for approval of settlement agreement must include a copy of their agreement and: (1) a statement outlining the reasons why such agreement is in the public interest; (2) a statement that each party's application was not filed for the purpose of reaching or carrying out such agreement; (3) a certification that neither the dismissing applicant nor its principals has received any money or other consideration in excess of the legitimate and prudent expenses of the applicant; (4) a statement outlining the exact nature

¹ See 47 CFR § 73.3500 *et seq.*

² See 47 CFR §§ 73.3572(a)(4), 74.787(a)(4).

³ See 47 U.S.C. § 309(j); 47 CFR. § 73.5000(a); *see generally, Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, First Report and Order, 13 FCC Rcd 15920 (1998) (*Broadcast Auctions First Report and Order*).

and amount of any consideration paid or promised; (5) an itemized accounting of the expenses for which it seeks reimbursement; and (6) the terms of any oral agreement relating to the dismissal or withdrawal of its application.

Requests for approval of settlement agreement and the above-outlined documents required by section 73.3525 must be submitted in the form of an amendment to each party's pending application in LMS by **11:59 pm ET on July 31, 2020**.

Engineering Settlements. Applicants may also enter into a settlement agreement to resolve their mutual exclusivity by means of an engineering solution. As with unilateral engineering amendments, engineering settlements must be minor, as defined by the applicable rules, and must not create new mutual exclusivities or application conflicts.⁴ Such settlements may include proposing channel sharing as means to resolve their mutual exclusivity. Engineering settlement agreements must also be filed with the Commission for approval and must include the documentation required by section 73.3525 outlined above.

Requests for approval of engineering settlement agreements, accompanying documentation, and corresponding technical amendments must be submitted in the form of an amendment to each party's pending application in LMS by **11:59 pm ET on July 31, 2020**. In the case of channel sharing settlements, the proposed sharee station shall file to modify its current license, specifying the technical parameters in the proposed host station's application and request that its application be dismissed upon grant of the channel sharing.

Applicants entering into engineering settlements should endeavor, wherever possible, to resolve their mutual exclusivity through minor engineering amendments, as defined by the applicable rules.⁵ However, applicants that are unable to resolve their mutual exclusivity through a minor engineering amendment may, as part of their engineering settlement, amend their application(s) to propose a new available channel. The new channel proposal may not create a new mutual exclusivity or conflict with any other previously-filed application.

For additional information or questions, please contact Mark Colombo (technical questions), Mark.Colombo@fcc.gov, (202) 418-7611, or Shaun Maher (legal questions), Shaun.Maher@fcc.gov, (202) 418-2324, of the Video Division, Media Bureau.

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⁴ See 47 CFR §§ 73.3572(a)(4), 74.787(a)(4).

⁵ *Id.*

APPENDIX
MUTUALLY EXCLUSIVE APPLICATIONS

File No.	Fac ID	City	ST	CH	Applicant Name	Group Number
BNPDTL-20090825ATH	182067	SANTA BARBARA	CA	35	DTV AMERICA 1, LLC	MX1
BNPDTL-20090825ACM	181235	SANTA BARBARA	CA	36	PLUM TV, INC.	MX1
BNPDTL-20090825ABL	181608	SANTA BARBARA	CA	36	MOUNT WILSON FM BROADCASTERS, INC.	MX1
BNPDTL-20090825AYT	181956	NANTUCKET ISLAND	MA	36	DTV AMERICA 1, LLC	MX2
BNPDTL-20090825ABM	181233	NANTUCKET	MA	36	NTV, LLC	MX2
BNPDTL-20090825BSY	182775	MACON	GA	36	ALMA CORPORATION	MX3
BNPDTL-20090825AVN	182019	MACON	GA	36	DTV AMERICA 1, LLC	MX3
BNPDTL-20090825AEF	181176	WARNER ROBBINS	GA	36	GEORGIA EAGLE MEDIA, INC.	MX3
BNPDTL-20090825AKK	181464	ELLENBURG	WA	29	IGLESIA PENTECOSTAL VISPERIA DEL FIN	MX4
BNPDTL-20090825AEN	182516	ELLENSBURG	WA	29	CTB SPECTRUM SERVICES LLC	MX4
BNPDTL-20090825BMH	182716	MONTICELLO	FL	18	CTB SPECTRUM SERVICES LLC	MX5
BNPDTL-20090825AMN	182565	QUINCY	FL	18	CTB SPECTRUM SERVICES LLC	MX5
BNPDTL-20090825ALY	182363	TALLAHASSEE	FL	18	KING FORWARD, INC.	MX5
BNPDTL-20090825CBF	182758	MOUNT SHASTA	CA	26	BETTER LIFE TELEVISION, INC.	MX6
BNPDTL-20090825AQN	182505	YREKA	CA	26	CTB SPECTRUM SERVICES LLC	MX6
BNPDTL-20090825BDY	182175	LAREDO	TX	14	MYL, LLC	MX7
BNPDTL-20090825ARR	181638	LAREDO	TX	14	MAKO COMMUNICATIONS LLC	MX7
BNPDTL-20090825BWW	182842	PANAMA CITY	FL	24	MIK, LLC	MX8
BNPDTL-20090825AVR	181518	PANAMA CITY	FL	24	EICB-TV EAST, LLC	MX8
BNPDTL-20090825BQB	181615	BRYAN	TX	30	DAIJ MEDIA, LLC	MX9
BNPDTL-20090825AWA	182057	COLLEGE STATION	TX	30	MIK, LLC	MX9
BNPDTL-20090825BNQ	182733	BOISE	ID	23	ALMA CORPORATION	MX10
BNPDTL-20090825BLB	181931	MOUNTAIN HOME	ID	23	CTB SPECTRUM SERVICES LLC	MX10
BNPDTL-20090825BBG	182619	BOISE	ID	23	STAN V. SMITH TRUST DATED APRIL 30, 1993	MX10
BNPDTL-20090825BEY	181925	SANTA BARBARA	CA	22	POINT BROADCASTING COMPANY	MX11
BNPTTL20090825ACH	181406	SANTA BARBARA	CA	22	CHANNEL 51 OF SAN DIEGO, INC.	MX11
BNPDTL-20090825BHT	182434	: EUGENE	OR	28	CTB SPECTRUM SERVICES LLC	MX12
BNPDTL-20090825BFA	181920	EUGENE	OR	28	POINT BROADCASTING COMPANY	MX12

File No.	Fac ID	City	ST	CH	Applicant Name	Group Number
BNPDVL-20090825AKT	181461	SEATTLE	WA	12	IGLESIA PENTECOSTAL VISPERIA DEL FIN	MX13
BNPDVL-20090825AAU	181664	BELLINGHAM	WA	12	MOUNT WILSON FM BROADCASTERS, INC.	MX13
BNPDVL-20090825BDW	182188	LAREDO	TX	6	MYL, LLC	MX14
BNPDVL-20090825ARV	181637	LAREDO	TX	6	MAKO COMMUNICATIONS LLC	MX14
BNPDVL-20090825BTH	182802	SAN LUIS OB	CA	6	TERMER	MX15
BNPDVL-20090825BOX	182042	SANTA MARIA	CA	6	JAMES L. PRIMM	MX15
BNPDVL-20090825BQX	181408	CAROLINA	PR	2	RAMON A HERNANDEZ	MX16
BNPDVL-20090825AWM	182027	SAN JUAN	PR	2	MAKO COMMUNICATIONS LLC	MX16
BNPDVL-20090825BQT	181498	SAN JUAN	PR	3	SPANISH BROADCASTING SYSTEM HOLDING COMPANY, INC. (PR)	MX16
BNPDVL-20090825BHP	181659	NORTH PALM SPRINGS	CA	7	CLARK GAREN	MX17
BNPDVL-20090825BGC	181612	PALM SPRINGS	CA	7	JOURNAL BROADCAST CORPORATION	MX17
BNPDVL-20090825BRF	181527	PONCE	PR	3	SPANISH BROADCASTING SYSTEM HOLDING COMPANY, INC. (PR)	MX18
BNPDVL-20090825BRB	181522	MAYAGUEZ	PR	3	SPANISH BROADCASTING SYSTEM HOLDING COMPANY, INC. (PR)	MX18
BNPDVL-20090825BQD	182384	PONCE	PR	3	TELECINCO, INC.	MX18
BNPDVL-20090825BPX	182386	MAYAGUEZ	PR	3	TELECINCO, INC.	MX18
BNPDTL-20090825AMO	181943	TALLAHASSEE	FL	21	MAKO COMMUNICATIONS LLC	MX19
BNPDTL-20090825AJC	182469	TALLAHASSEE	FL	21	MADISON AVENUE VENTURES	MX19
BNPDTL-20090825AYS	182029	BEAUMONT	TX	14	MIK, LLC	MX20
BNPDTL-20090825AQZ	18165	BEAUMONT	TX	14	MAKO COMMUNICATIONS LLC	MX20
0000054805	130470	NEW YORK	NY	33	VENTURE TECHNOLOGIES GROUP, LLC	MX21
0000048498	60554	NEW YORK	NY	33	VENTANA TELEVISION, INC.	MX21